

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of

Gardos, et al.

Serial No: 09/587,403

Confirmation No.: 9935

Filed: June 5, 2000

For: Domain Manager For Plural Domains and
Method of Use

Art Unit: 2135

Examiner: Thanhnga B. Truong

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Dear Sir:

Transmitted herewith is an after final amendment in the above-identified application.

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The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	20	-	20**	0	LG=\$50 SM=\$25	\$50	\$ 0
INDEPENDENT CLAIMS FEE	2	-	3***	0	LG=\$200 SM=\$100	\$100	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$360 SMALL ENTITY FEE = \$180		\$
ADDITIONAL SIZE FEE (IF ANY) (TOTAL PAGES OF SPEC AND DRAWINGS TOGETHER)				\$250 FOR EACH ADDITIONAL 50 SHEETS			\$
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☒ A check in the amount of \$ 500 to cover the Appeal Brief fee is enclosed. A copy of this sheet is enclosed.☐ A check in the amount of \$ 0 to cover the extension fee is enclosed. A copy of this sheet is enclosed.☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1314. A copy of this sheet is enclosed.☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims☒ Any patent application processing fees under 37 C.F.R. § 1.17Respectfully submitted,
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Transmittal of Appeal Brief

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P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith are three copies of the opening brief in the applicant's appeal from the final rejection of the above-referenced U.S. patent application. A notice of appeal was timely filed from the final rejection and was received in the U.S. Patent and Trademark Office on May 16, 2005. The appeal brief is therefore initially due on July 16, 2005. The Commissioner is authorized to charge any deficiency in any fee or credit any excess payment to Deposit Account No. 50-1314. A copy of this transmittal is enclosed.

Respectfully submitted,

HOGAN & HARTSON, L.L.P.

Date: July 13, 2005

By: 

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APPEAL BRIEF

Pursuant to 37 C.F.R. § 1.192, this is the opening brief on appeal to the Board of Patent Appeals and Interferences from the final rejection of all claims of the above-referenced application and follows on the notice of appeal filed on May 13, 2005.

Real Party in Interest

The real party in interest to this appeal is Register.com, Inc.

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Other Appeals and Interferences

Applicant is not aware of any other appeal or interference that will affect the outcome of this appeal, will have a bearing on this appeal or will be affected by the outcome of this appeal.

Status of Claims

Claims 1-20 are pending in the application. All claims stand finally rejected by the final Office Action dated January 13, 2005.

Status of Amendments

An after-final amendment correcting a typographical error in dependent claim 17 is filed concurrent with this opening brief. At the time of this filing, that amendment has not been entered. No other after-final amendments were offered. The claim listing in the appendix to this brief assumes entry of the concurrently proposed amendment.

Summary of the Invention

The application describes a method and a system that facilitates an entity such as an Internet service provider (ISP) or other vendor to act as an agent to manage domain names registered by other individuals or companies. Application at pages 6-7. Normally only the server or entity specified in the domain name records has the authority to manage a domain name and change the information about that domain name, such as the IP address to which the domain name resolves and the mail exchange server associated with the domain name. Application at page 10,

lines 15-17. Consequently, one aspect of the application's system is a way to allow third parties to request and be given authority to manage a domain name and change the information about that domain name. Application at page 8. First, the user provides a name and password to access the manager. This is illustrated in FIG. 1 of the application. Application at page 8. The user is prompted to identify the domain name to be managed – in the language of the application this is the “active” domain name. Information is gathered about the domain name from the SRS to allow authentication of the user's rights to modify information about the domain name.

To authenticate a user's right to alter information about a domain name, the manager checks to see if the user logged in to the manager is authoritative for the active domain name. If so, the user is allowed to perform management functions. Application at page 8. If not, the user is asked, for example using the interface shown in FIG. 4, if the user wants to become authoritative for that domain name. Application at page 9. The manager will, on a positive response to this request, send an e-mail to the appropriate authorized party for the domain name seeking confirmation that the user is to be authoritative for making changes to the domain name.

When a domain name has been made active and the manager has confirmed the user is authorized to make changes to the domain name information, the manager provides a function selection screen like that illustrated in FIG. 3.

Application at page 10. As shown in FIG. 3, the manager provides a variety of different diagnostic functions (ping, whois, host, dig, SRS) and functions for changing information about the domain name (IP, alias, MX, SOA, etc.).

Application at page 10. These diagnostics and functions all are selected through a link in the graphical user interface and in turn initiate the functions illustrated in others of the figures of the application. A variety of DNS or zone file information can be altered using simple graphical user interfaces to enter change information and pass that change information to the manager.

The manager passes the change information to the DNS servers either directly through the SRS or through an accredited server that passes the change information through the SRS and to the root servers. Application at page 11. Most preferably, the domain manager has substantially direct access to the shared registry system, which asynchronously updates the DNS servers. Application at page 12. Following submission of change information regarding a domain name, the manager may send a confirmation message to the user. Application at page 13, lines 20-21.

Issues

The issue presented on appeal is whether the final Office Action properly rejects claims 1-20 as anticipated by or obvious in view of U.S. Patent No. 6,564,216 to Waters (the Waters patent).

Grouping of Claims

For the purposes of this appeal, claims 1-6 can be considered as a group with claim 1 taken as representative, claims 7 and 12-17 can be considered as a group with claim 7 taken as representative, claims 8, 11 and 20 can be considered as a group with claim 8 taken as representative, claim 9 can be considered as a group, claim 10 can be considered as a group, claim 18 can be considered as a group and claim 19 can be considered as a group.

ARGUMENT

The Primary Reference to Waters Teaches Nothing About a Domain Management System

Claims 1-20 stand rejected by the final Office Action dated January 13, 2005 over U.S. Patent No. 6,564,216 to Waters. Some of the claims are rejected as anticipated, some of the claims are rejected on the basis of obviousness. Neither type of rejection can be sustained because the Waters patent is wholly unrelated to the subject matter of the inventions defined by the pending claims. The claims all relate to managing domain names. Domain names are those portions of Internet URLs that are easy for people to remember and that are registered with the domain name system (DNS) so that a user entering the domain name in an appropriate browser will be reliably directed to a website or other resource identified by the domain name. The cited Waters patent has nothing to do with managing domain

names. Rather, the Waters patent relates to managing servers and other computers on a network.

Managing domain names is distinctly different from managing servers and computers. Domain name registrations reflect the right to use a particular domain name and must be coordinated with the DNS to ensure that the domain name resolves to the proper resource. The information about a domain name may need to be updated or changed to ensure that the domain name serves its intended purpose. A server is different from a domain name. A server may include a number of resources corresponding to many domain names or a single domain name may identify many servers.

In contrast to what is claimed in this application, the Waters patent describes a way of managing requests to a database holding configuration information in a network that dynamically assigns IP addresses. In such a network a computer may not have a static IP address and so a computer associated with a domain name may be assigned different IP addresses following a dynamic assignment. The Waters patent does nothing about changing information related to a domain name within the domain name system or a similar database authoritative for that type of information for the domain name. Rather, the Waters patent monitors varying IP assignments for a network.

Applicant submits that the Waters patent does not teach the system for managing domain names and verifying changes defined by the claims of the present

application. The Waters patent does not describe any mechanism to determine if an operator or user has the authority to modify the information for a domain name.

The Waters patent does not describe any mechanism to give an operator authority to modify the information for a domain name. Rather, the Waters patent only discusses how to keep track of the varying configuration of a computer network having dynamic assignment of IP addresses.

Moreover, the Waters patent does not teach or suggest first (1) making a domain name active, (2) accepting a request to change information about that active domain name and (3) generating a confirmation message, confirming action on the change request. This method, or an apparatus or software that performs these functions, is recited in independent claims 1 and 7 of this application and is not taught or suggested by the Waters patent.

The Waters Patent Never Generates a Display of a Request for Authentication, Never Generates a Display for Making a Domain Name Active and Never Generates a Display of a Confirmation Message

The primary reference cited against the application is U.S. Patent No. 6,564,216 to Waters (the Waters patent). With respect to independent claim 7, the rejection states in its entirety:

The limitation of generating messages to acknowledging authentication of party seeking access to the domain management system, identifying active domain management system, identifying active domain and issuing update requests is disclosed by Waters (column 9, lines 5-18). Note

this can include a graphics interface for use, or polling devices. Claim 7 is rejected.

Office Action at 2. Significantly, the stated rejection states that the Waters patent teaches making a “domain management system” active rather than making a “domain name” active, which is what is actually recited by the claims. Taken at face value, the rejection does not meet the limitations of claim 7, which is directed to domain names, rather than the “domain management system” of the Waters patent.

The portion of the Waters patent cited in the quoted rejection of claim 7, at column 9, lines 4-18, states:

In one embodiment, the NMS 205 could be a graphical user interface (GUI) running on a powerful computer such as a workstation. FIG. 7 provides a flow diagram which illustrates a method of the described embodiment for determining the operational status of the DNS 202A-N and DHCP 203A-N servers on the network and transmitting the status information to the NMS 205. The server manager 201 polls the servers every 40 seconds to determine if the server is still running or if it has stopped, step 701.²⁰ The server generates an alarm or warning to indicate its operating status and communicates the message to the server manager 201, step 702. The message could contain information such as a key word to trigger the correct plug-in, the severity of the alarm, the specific server-id, and an alarm code to indicate the problem.

NMS 205 is not well described or defined by the Waters patent. It appears from FIG. 1B and FIG. 2 of the Waters patent that NMS 205 illustrates the results of a simple network management protocol (SNMP) monitoring system for a network. Those of ordinary skill will be familiar with SNMP as a standardized

protocol for monitoring the operational status (such things as power supply temperature and fan operation) of servers on a network. From the context of the cited passage of the Waters patent, one can guess that NMS 205 may provide a graphical depiction of the operational status of the servers and computers of the network.

The NMS 205 referenced in the passage is a graphical display of the operational status of servers on a network. The cited passage has nothing to do with domain names. There is no reason to assume that the NMS 205 display will even refer to the managed servers by domain name and is instead likely to identify the servers by IP address or local network address.

Claim 7 Distinguishes over the Waters Patent

There is nothing in the Waters patent about:

a domain identification interface generator that generates a message that, when received by the operator terminal, at least in part causes display on the operator terminal of a request for input from an operator seeking access to the domain management system of a domain name to be an active domain name;

as required by claim 7. Because the Waters patent has nothing to do with managing domain names, the Waters patent does not seek a *domain name* as input from an operator to be an active domain name for subsequent management activities. There is nothing about the NMS 205 interface that suggests that it would use or display a domain name. Consequently, there is nothing in the Waters

patent about any software or computer system that includes a domain identification interface generator as defined in this limitation of claim 7. None of the servers or computers described in the Waters patent ever causes *display* on an operator terminal of a “request for input ... of a domain name to be an active domain name.” That would never occur in the NMS 205 of the cited passage of the Waters patent, which displays whether a “server is still running or if it has stopped,” Waters at column 9, line 12, and would never be used to select a domain name or in any way make that domain name “active.”

By contrast, the claimed system requests input of a domain name that will be the active domain name for subsequent management functions. FIG. 2 of the application shows an example of a screen that requests input of a domain name. After the domain name is input and made active, a screen such as that shown in FIG. 3 may be displayed. Exemplary FIG. 3 shows a number of diagnostic tools (ping, whois, host, dig, SRS) and management functions (IP, alias, MX, SoA, etc.) that can be performed on the domain name made active using something like the screen of FIG. 2.

Thus, the Waters patent does not “display ... a request for input ... of a domain name to be an active domain name” as required by claim 7. Without making a domain name active, the Waters patent’s system cannot manage, perform diagnostics on or change information about any domain name. Consequently the Waters patent does not anticipate claim 7.

Further, there is nothing in the cited passage of the Waters patent about:

an information change engine that accepts requests to change information about the active domain name, passes an information change request to an authoritative database for like information about domain names, and generates a confirmation message that, when received by the operator terminal, at least in part causes display of a screen confirming execution of the information change request.

The Waters patent describes nothing about (1) accepting a request “to change information about the active domain name” or (2) generating “a confirmation message” of an action to change information about the active domain name “that ... causes display of a screen confirming execution of the information change request.” Consequently the Waters patent does not meet this limitation of claim 7.

Since the Waters patent does not meet the limitations of claim 7, claim 7 and its dependent claims distinguishes over the art of record. The rejection of claim 7 should be reversed and claim 7 and its dependent claims allowed.

The Office Action Did Not Properly Reject Claims 1-6 and Claims 1-6 Distinguish Over the Waters Patent

Claim 1 is unambiguously written using the formalism of 35 U.S.C. § 112, ¶ 6. As stated by the *en banc* Federal Circuit in In re Donaldson, 16 F.3d 1189, 1192, 29 USPQ 2d 1845, 1849 (Fed. Cir. 1994) (*en banc*), “we hold that [35 U.S.C. § 112, ¶ 6] applies regardless of the context in which the interpretation of means-plus-function language arises, [including] as part of a patentability determination in the PTO” This requirement that section 112, paragraph 6 must be applied by

Examiners in determining validity of means-plus-function limitations during prosecution is confirmed by the MPEP 2181-83. MPEP 2182 dictates that “application of a prior art reference to a means ... plus function limitation requires that the prior art element perform the identical function specified in the claim. ... [A]n examiner carries the initial burden of proof for showing that the prior art structure ... is the same or equivalent to the structure, material, or acts described in the specification which has been identified as corresponding to the claimed ... plus function.”

Application of this required statutory framework to claim 1 would have unquestionably demonstrated that the final Office Action’s rejection was wrong. Claim 1’s “domain identification means” requires in part the display of a screen including what is shown in FIG. 2 or something equivalent to that screen. There is just nothing in the Waters patent like the FIG. 2 screen and so the Waters patent cannot anticipate claim 1. Simple compliance with 35 U.S.C. § 112, ¶ 6 would have demonstrated that the Waters patent was inapplicable. Yet claim 1 was not examined as required by MPEP 2182-83. Nowhere is there a consideration of whether the structures underlying each of the means plus function limitations are present exactly or equivalently in the Waters patent. No structures have been identified in the rejection, in violation of the requirement that “the examiner should provide an explanation and rationale in the Office action as to why the prior art element is an equivalent.” MPEP 2183. Consequently, the Office Action

unquestionably fails to set forth a prima facie case of invalidity over the cited art.

See 35 U.S.C. § 112, ¶ 6, MPEP 2183. The rejection of claims 1-6 should be reversed and claims 1-6 should be allowed.

Claim 1 recites “domain identification means, coupled to receive input from a party seeking access to the domain management system, for accepting and confirming identity of a domain name to be an active domain name.” Later in the claim the active domain name is subject to a request to change information. Neither occurs in the Waters patent. Never is a domain name made active and then acted upon by any software or computer system within the Waters patent. Nor does the Waters patent system perform the functions of (1) “accepting ... a domain name to be an active domain name” (2) “accepting a request to change information about the active domain name” or (3) “generating a confirmation message displayable to a party using the domain management system,” as required by claim 1.

It is hard to even attempt to discuss these limitations of claim 1 with respect to the Waters patent. The Waters patent does not discuss how to change information about domain names or generate confirmation messages of information change actions. Simply, the Waters patent teaches nothing about managing domain *names*.

The Waters patent does not include claim 1’s “domain identification means.” The Office Action cites column 5, lines 19-58 and column 7, lines 16-19 of the Waters patent as teaching this limitation. What the cited passage from column 5

describes is the dynamic assignment of IP addresses and the associated record keeping and communications necessitated by dynamic assignment. As is apparent from, for example, FIG. 5 of the present application, IP addresses are different from domain names. In the structure described in column 5 of the Waters patent, the central database checks to see if it has an IP address to assign to a requesting computer and determines if it can assign it. Waters at column 5, lines 38-44. There is nothing in column 5 about selecting domain names to be active and so this passage does not teach the “domain identification means” of claim 1.

The cited section of column 7 deals with “host commits” from DHCP servers. This passage deals with the DHCP servers themselves obtaining domain names from the database 204 so that the domain name can be associated with a dynamic IP address. There is nothing in the cited section about selecting a domain name and making that domain name active for subsequent changes to that domain name’s information. As such, nothing in the cited portions of the Waters patent is relevant to this limitation of claim 1, which requires “accepting and confirming identity of a *domain name* to be an active domain name.”

Claim 1 further distinguishes over the Waters patent by reciting “means for determining if the party has authority to alter information about the active domain name and, if the party lacks authority for the active domain name, determining if the party should be given authority for the active domain name.” The Waters patent does not provide any mechanism for altering information about a domain

name and so would never seek to authenticate a user's authority to alter information about the domain name. Rather, the Waters patent describes a network with dynamic assignment of IP addresses. The Office Action cites column 7, lines 16-29 of the Waters patent. Again, the cited section of column 7 relates to "host commits" from DHCP servers. This passage deals with the DHCP servers themselves obtaining a domain name from the database 204 so that the domain name can be associated with a dynamic IP address. There is nothing in the cited section about determining if a party has authority to act for a domain name *previously made active*. As such, nothing in the cited portions of the Waters patent is relevant to this limitation of claim 1.

Still further, claim 1 recites, "information change means for accepting a request to change information about the active domain name, passing an information change request toward a database authoritative for like information about domain names, and generating a confirmation message displayable to a party using the domain management system." The cited section of the Waters patent deals only with the mapping of dynamic IP addresses onto client computers within the database 204. There is nothing in the cited section or elsewhere in the Waters patent about accepting a request to change information about a domain name *previously made active*. *Nor is there anything about generating a confirmation message about the change to the domain name*. As such, nothing in the Waters patent is relevant to this limitation of claim 1.

Consequently, the Waters patent meets none of the limitations of claim 1 and so claim 1 and its depending claims 2-6 distinguish over the Waters patent. The rejection of claim 1 should be reversed and claims 1-6 allowed.

The Rejection of Claim 8 Should Be Reversed

Claim 8 recites an engine that executes a diagnostic utility request about an active domain name. There is nothing in the Waters patent about performing a diagnostic related to a domain name. What the Office Action cites as support for the rejection is an SNMP activity which, as explained clearly in the Waters patent, is only interested in whether a server is working or not. The NMS 205 and the connectivity status (server “up” or server “down” or server “failed login”) information it displays are not a domain name diagnostic as required by claim 8. NMS 205 does not display information about domain names or even display a domain name. Nothing in column 9, lines 9-15 or in any other part of the Waters patent describes performing a diagnostic function on a domain name. As such, the Waters patent does not teach anything relevant to claim 8 and the rejection of claim 8 should be reversed for this additional reason. Claim 8 and similar claims should be allowed.

The Rejection of Claim 9 Should Be Reversed

Claim 9 depends from claim 8 and further specifies that the claimed diagnostic utility accesses a shared registry system when executed. Claim 9 includes the subject matter of claim 8 and so is patentable for the reasons discussed above with respect to claim 8. The subject matter of claim 9 particularly illustrates how the Waters patent fails to teach or suggest the present invention. Claim 9 specifies that the diagnostic utility accesses the shared registry system. As stated at page 3 of the application,

The shared registry system (SRS) is a system that permits multiple registrars to provide registration services for the .com, .net and .org domains. The system is a shared database that holds information about domain names and their authoritative name servers. The shared registry system updates the root servers with information about the domain names within the .com, .org and .net gTLDs about every twenty-four hours in typical operation. ... The SRS facilitates the updating of domain name and IP address information and also provides a utility for identifying the registrar that registered a domain name, when the entry to the SRS was created and the authoritative name servers for the domain name.

There is no suggestion that any diagnostic function performed by the system of the Waters patent would access the shared registry system. The diagnostic functions illustrated on NMS 205 of the Waters patent are conducted by the servers illustrated in FIG. 2 of the Waters patent. None of these diagnostics at all relate to domain names or to the information stored in the shared registry system. The Waters patent does not teach or suggest the diagnostic utility recited by claim 9 and so the rejection of claim 9 should be reversed and claim 9 allowed.

The Rejection of Claim 10 Should Be Reversed

Claim 10 depends from claim 9 and specifies that the diagnostic utility produces output data representing at least a portion of zone file information. Claim 10 includes the subject matter of claim 9 and so the entire discussion above with respect to claim 9 applies here. That includes the fact that the SNMP diagnostics shown on NMS 205 of the Waters patent would never access the shared registry system and so cannot meet claim 10's limitations directed to access to the shared registry system.

Claim 10 further distinguishes over the Waters patent by specifying that the diagnostic utility produces as an output data representing at least a portion of zone file information. Nothing about zone files or diagnostic results including zone file information is illustrated in the NMS 205 of the Waters patent. Rather, what the NMS 205 shows is a limited amount of server status including whether the servers are "up", whether the servers are "down" and whether the servers are logged in properly. NMS 205 does not display any zone file information, as would be required for NMS 205 to show the results of the diagnostic required by claim 10. The diagnostic utility identified by claim 10 returns an output that represents zone file information, which efficiently allows the testing of a domain name and testing of the correctness in the information related to the domain name. There is nothing within the Waters patent about zone files or about returning zone file information in response to diagnostics. The final Office Action does not identify any teaching

about a diagnostic returning zone file or related information and simply ignores the limitation. Consequently, claim 10 distinguishes over the Waters patent for the additional reason that claim 10 provides a diagnostic utility that returns information representing zone file information and the Waters patent is silent about zone file information and does not suggest any way to perform a diagnostic that returns zone file information for a domain name. The rejection of claim 10 should be reversed and claim 10 should be allowed.

The Rejection of Claim 18 Should Be Reversed

Claim 18 depends from claim 7 and further requires that the domain management system include a function selection interface generator that generates a message that in turn (in whole or part) causes display of a graphical user interface with a plurality of selectable functions for managing a domain name. FIG. 3 of this application provides an example of an interface that might be generated by an implementation of claim 18.

The final Office Action at page 3 states that claim 18 is of the same scope as claim 7 and does not address the additional limitations of claim 18. Necessarily, the portion of the final Office Action addressed specifically to claim 18 does not present a *prima facie* case of unpatentability with respect to claim 18. The Office Action's discussion of claim 7, quoted in its entirety above, also fails to set forth a *prima facie* case of unpatentability for claim 18. In its discussion of claim 7, the final

Office Action states in pertinent part, “Note this can include a graphics interface for user,” which does not address the limitations of claim 18. The final Office Action also refers to column 9, lines 5-18 of the Waters patent in its rejection of claim 7. Column 9, lines 4-6 of the Waters patent states that “the NMS 205 could be a graphical user interface (GUI) running on a powerful computer such as a workstation.” The remainder of the cited portion of column 9 of the Waters patent describes how NMS 205 can be used to monitor the operational status of servers. The cited passage describes nothing about domain names and so also does not establish a *prima facie* case of unpatentability.

Thus, the final Office Action fails to establish a *prima facie* case of unpatentability with respect to claim 18. The Office Action speaks only of the existence of a “graphics interface for user” and does not describe an interface that provides a plurality of selectable functions for managing a domain name as required by claim 18. The Office Action does not discuss domain names or functions for managing domain names. What is described in the cited passage of the Waters patent has no relationship to domain names or to managing a domain name. Consequently, the cited portion of the Waters patent does not provide a basis for rejecting claim 18. Because the final Office Action failed to present a *prima facie* case of unpatentability, the final rejection of claim 18 should be reversed and claim 18 should be allowed.

More importantly, the Waters patent does not describe or suggest the subject matter of claim 18. Claim 18 requires display of a graphics interface with a plurality of selectable functions for managing a domain name. What the Waters patent shows is an interface that shows only status and does not provide any selectable functions for managing a server, and certainly does not provide any selectable functions for managing a domain name. NMS 205 displays connectivity status (server “up” or server “down” or server “failed login”) for the servers managed by the FIG. 2 system of the Waters patent. NMS 205 only shows status and does not provide any utilities or modules or selectable functions to change anything about the servers or any domain name indirectly associated with the servers. NMS 205 is passive with respect to the actual operating conditions of the servers illustrated on its graphics interface. Server manager 201 of the Waters patent polls all of the servers to detect the status of the servers and that information is displayed on the graphics interface of the NMS 205. Waters at column 9, lines 10-13. The NMS 205 takes no role in changing the configuration of the servers; it only shows the status of the servers. To the extent that the NMS shows anything related to a domain name, it shows the status of a number of servers that may or may not be associated with a domain name.

Because the NMS 205 interface is passive and does not display any selectable functions for managing a domain name, the Waters patent does not teach the subject matter of claim 18. Consequently, claim 18 distinguishes over the Waters

patent and is in condition for allowance. The rejection of claim 18 should be reversed and claim 18 allowed.

The Rejection of Claim 19 Should Be Reversed

Claim 19 includes the subject matter of claim 18 and further specifies that the domain management system that plurality of selectable functions include (1) domain name diagnostics and (2) zone file change. Because claim 19 includes all of the limitations of claim 18 above, the entire discussion above with respect to claim 18 applies here. That includes the fact that NMS 205 of the Waters patent is passive, only showing status and not providing selectable functions for managing servers or domain names, and so cannot meet claim 19's limitations directed to a graphical user interface with a plurality of selectable functions for managing a domain name. The above discussion that the Office Action failed to set out a *prima facie* case of unpatentability is also fully applicable to claim 19.


Claim 19 further distinguishes over the Waters patent by specifying that the plurality of selectable functions of the interface includes domain name diagnostics and zone file change. The ability to change zone files is an important part of the capabilities desired of a system implementing the claim 19 invention. Effective management of domain names relies on the ability to change zone file information about the domain name. There is nothing within the Waters patent about zone files or about changing zone files. The final Office Action does not identify any teaching

about zone files and simply ignores the limitation. Consequently, claim 19 distinguishes over the Waters patent for the additional reason that claim 19 provides a function for zone file change and the Waters patent is silent about zone files and does not suggest any way to alter the zone file information for a domain name. Claim 19 distinguishes over the Waters patent for various reasons. The rejection of claim 19 should be reversed and claim 19 should be allowed.

Conclusion

As demonstrated above, the rejection of claims 1-20 is without basis and is wrong. Applicant requests that claims 1-20 be allowed.

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Appendix Listing Claims

1. A domain management system, comprising:

domain identification means, coupled to receive input from a party seeking access to the domain management system, for accepting and confirming identity of a domain name to be an active domain name;

means for determining if the party has authority to alter information about the active domain name and, if the party lacks authority for the active domain name, determining if the party should be given authority for the active domain name; and

information change means for accepting a request to change information about the active domain name, passing an information change request toward a database authoritative for like information about domain names, and generating a confirmation message displayable to a party using the domain management system.

2. The domain management system of claim 1, wherein the information change means resides on a server of an accredited registrar.

3. The domain management system of claim 1, wherein the information change means resides on a server capable of directly accessing a shared registry system.

4. The domain management system of claim 1, wherein the information change means resides on a server coupled to a second server capable of directly accessing a shared registry system.

5. The domain management system of claim 4, wherein the information change request is passed through the second server and to the shared registry system.

6. The domain management system of claim 1, wherein the authoritative database is a shared registry system.

7. A domain management system, comprising:
an authentication interface generator that generates a message that, when received by an operator terminal, at least in part causes display on the operator terminal of a request for authentication from a party seeking access to the domain management system;

a domain identification interface generator that generates a message that, when received by the operator terminal, at least in part causes display on the operator terminal of a request for input from an operator seeking access to the domain management system of a domain name to be an active domain name; and

an information change engine that accepts requests to change information about the active domain name, passes an information change request to an authoritative database for like information about domain names, and generates a confirmation message that, when received by the operator terminal, at least in part causes display of a screen confirming execution of the information change request.

8. The domain management system of claim 7, further comprising a diagnostic utility engine adapted to receive at least one diagnostic request about the active domain name and to execute a corresponding diagnostic utility.

9. The domain management system of claim 8, wherein the diagnostic utility accesses a shared registry system when executed.

10. The domain management system of claim 9, wherein the diagnostic utility produces as an output data representing at least a portion of zone file information.

11. The domain management system of claim 8, wherein the diagnostic utility accesses a plurality of name servers when executed.

12. The domain management system of claim 7, wherein the information change engine resides on a server of an accredited registrar.

13. The domain management system of claim 7, wherein the information change engine resides on a server capable of directly accessing a shared registry system.

14. The domain management system of claim 7, wherein the information change engine resides on a server coupled to a second server capable of directly accessing a shared registry system.

15. The domain management system of claim 14, wherein the information change engine is passed through the second server and to the shared registry system.

16. The domain management system of claim 7, further comprising a module that determines whether the operator is authoritative for the active domain name.

17. The domain management system of claim 7, further comprising a module that determines whether the operator is authoritative for the active domain name and, if the operator is not authoritative for the active domain name, determines if the operator should be made authoritative for the active domain name.

18. The domain management system of claim 7, further comprising a function selection interface generator that generates a message at least in part providing a graphical user interface with a plurality of selectable functions for managing a domain name.

19. The domain management system of claim 7, further comprising a function selection interface generator that generates a message at least in part providing a graphical user interface with a plurality of selectable functions for managing a domain name, the plurality of selectable functions including domain name diagnostics and zone file change.

20. The domain management system of claim 17, further comprising a diagnostic utility engine adapted to receive at least one diagnostic request about the active domain name and to execute a corresponding diagnostic utility.